

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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SHANISE SHIDAGIS,

Plaintiff,

3:23-cv-31 (BKS/ML)

v.

BROOME COUNTY D.S.S and  
JILL DOMINGUEZ,

Defendants.

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**Appearances:**

*Plaintiff pro se:*  
Shanise Shidagis  
Endicott, NY 13760

**Hon. Brenda K. Sannes, Chief United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff pro se Shanise Shidagis filed this action alleging “falsification of documents” and “forgery” against Defendants Broome County DSS and Case Manager Jill Dominguez in connection with a “Permanency Hearing Report,” asserting federal question jurisdiction, and seeking, as relief, that the “law [be] pressed to the fullest.” (Dkt. No. 1). This matter was referred to United States Magistrate Judge Miroslav Lovric who, on January 17, 2023, issued a Report-Recommendation recommending that Plaintiff’s complaint be dismissed without prejudice and without leave to replead on the ground that there is no private cause of action to enforce criminal violations. (Dkt. No. 4). Magistrate Judge Lovric advised Plaintiff that under 28 U.S.C. § 636(b)(1), she had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 7–8).

Plaintiff did not file an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment.

The Court notes, as a preliminary matter, that it must consider whether it has subject matter jurisdiction. *See Speer v. City of New London*, 537 F. Supp.3d 212, 223 (D. Conn. 2021) (“At the outset of any case, the Court must consider whether the action falls within its subject matter jurisdiction.”). The Complaint does not assert a basis for this Court’s subject matter jurisdiction. There is no federal question jurisdiction under 28 U.S.C. § 1331 because, as Magistrate Judge Lovric determined, Plaintiff does not have a private right of action to enforce federal criminal statutes. (Dkt. No. 4, at 4–5). And the Plaintiff has not alleged any basis for diversity jurisdiction under 28 U.S.C. § 1332: both she and Defendant Dominguez are alleged to be citizens of New York State. (Dkt. No. 1, at 3). The Complaint therefore must be dismissed without prejudice for lack of subject matter jurisdiction. *Katz v. Donna Karan Co.*, 872 F.3d 114, 121 (2d Cir. 2017).

Having reviewed the remainder of the Report-Recommendation for clear error and found none, the Court adopts the recommendation that the complaint be dismissed without prejudice and without leave to amend.

For these reasons, it is hereby


**ORDERED** that Magistrate Judge Lovric’s Report-Recommendation (Dkt. No. 4) is **ADOPTED**; and it is further

**ORDERED** that Plaintiff's complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE BUT WITHOUT LEAVE TO REPLEAD**; and it is further

**ORDERED** that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: February 21, 2023  
Syracuse, New York

  
Brenda K. Sannes  
Chief U.S. District Judge